

FORM 1
NOTICE TO COMPLY
(Municipalities Act, R.S.N.B. 1973,
c.M-22, s.190.01(3))

Parcel Identifier: 00370288

Address: 94 Woodhaven Drive, 96 Woodhaven Drive,
Saint John, New Brunswick

Owner(s) or Occupier(s):

Name: Willard, George N.
Address: 94 Woodhaven Drive, Saint John,
New Brunswick, E2K 4N6

Municipality issuing notice: The City of Saint John

By-law contravened: *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law*, By-law Number M-30 and amendments thereto (the "By-law").

Provision(s) contravened: Subsection 131(1) of the *Local Governance Act, S.N.B. 2017, c 18* and amendments thereto.

The *Land Registry Forms Regulation - Municipalities Act*, New Brunswick Regulation 2007-22, which prescribes that a Notice to Comply shall be in Form 1, remains valid and continues to be in force pursuant to section 196 of the *Local Governance Act*.

Description of condition(s): The conditions of the premises are not in compliance with the standards provided for pursuant to the By-law. The conditions of the premise are described in Schedule "A", annexed hereto, a true copy of the Inspection Report dated June 28, 2018 signed by Mark O'Leary, Standards Officer.

Remedy or remedies required: The owner is to remedy the conditions by complying with the required remedial actions of the aforementioned inspection report and bring the premises into compliance with the By-law.

Date by which the remedy or remedies must occur:

Within 45 days of being served with the Notice to Comply.

Date by which notice may be appealed:

Within 14 days of being served with the Notice to Comply.

Process to appeal: The owner may, within 14 days after having been served with this Notice to Comply, send a Notice of Appeal by registered mail to the Common Clerk of The City of Saint John, City Hall – 8th Floor, 15 Market Square, Saint John, New Brunswick, E2L 4L1.

FORMULE 1
AVIS DE CONFORMITÉ
(Loi sur les municipalités, L.R.N.-B. de 1973,
ch. M-22, par. 190.01(3))

Numéro d'identification de la parcelle : 00370288

Adresse: 94 promenade Woodhaven , 96 promenade Woodhaven, Saint John, Nouveau-Brunswick

Propriétaire(s) ou occupant(s) :

Nom : Willard George N.
Adresse : 94 promenade Woodhaven, Saint John, Nouveau-Brunswick, E2K 4N6

Municipalité signifiant l'avis : The City of Saint John

Arrêté enfreint : *Arrêté concernant les bâtiments et structures inesthétiques ou dangereux dans the City of Saint John*, Arrêté numéro M-30, ainsi que les modifications afférentes (l' « Arrêté »).

Disposition(s) enfreinte(s) : Le paragraphe 131(1) de la *Loi sur la gouvernance locale*, ainsi que les modifications afférentes.

Le *Règlement sur les formules du registre de bien-fonds – Loi sur les municipalités*, Règlement 2007-22 du Nouveau-Brunswick, qui prescrit qu'un avis de conformité doit être établi selon la formule 1, demeure valide et reste en vigueur en vertu de l'article 196 de la *Loi sur la gouvernance locale*.

Description de la (des) condition(s) : Les conditions des lieux ne sont pas en conformité selon les standards prévus dans l'Arrêté. Les conditions des lieux sont décrites à l'annexe "A" ci-joint, une copie conforme du rapport d'inspection en date du 28 juin, 2018 signé par Mark O'Leary, un agente des normes.

Mesure(s) à prendre : Le propriétaire doit restaurer les conditions en se conformant aux recommandations du rapport d'inspection susmentionné et d'amener les lieux en conformités avec l'Arrêté.

Date à laquelle la ou les mesures doivent être prises :

Dans les 45 jours qui suivent la signification de l'avis de conformité.

Date à laquelle un appel de l'avis peut être déposé:

Dans les 14 jours qui suivent la notification de l'avis de conformité.

Processus d'appel : Le propriétaire peut dans les 14 jours qui suivent la notification de l'avis de conformité, envoyé un avis d'appel par courrier recommandé à la greffière communale de la municipalité, à The City of Saint John, Édifice de l'hôtel de ville, 8^e étage, 15 Market Square, Saint John, Nouveau-Brunswick, E2L 4L1.

Potential penalty for non-compliance within specified time:² Subsection 136(1) of the *Local Governance Act* states that a person who fails to comply with the terms of the Notice to Comply given under section 132 of the said Act, commits an offence that is punishable under Part II of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under subsection 136(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 136(3)(b)(i).

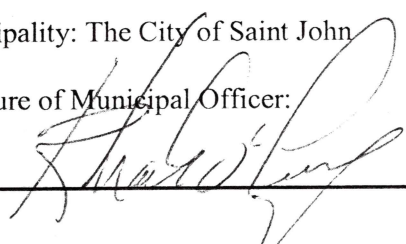
Municipality's authority to undertake repairs or remedy:³

Paragraph 137(1)(a) of the *Local Governance Act* states that if an owner or occupier does not comply with a Notice to Comply given under section 132 within the time set out in the said Notice, the municipality may, cause the premises of that owner or occupier to be cleaned up or repaired. Further, subsection 137(3) of the *Local Governance Act* states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the local government.

Dated at Saint John the 28 day of June, 2018.

Municipality: The City of Saint John

Signature of Municipal Officer:



Municipal Officer's Contact information:

Name: Mark O'Leary

Mailing address:

Buildings and Inspection Services Department

The City of Saint John
15 Market Square, City Hall Building, 10th Floor
P. O. Box 1971
Saint John, New Brunswick
E2L 4L1

Telephone: 506-658-2911

Telecopier: 506-632-6199

Email: mark.o'leary@saintjohn.ca

Seal of municipality



Pénalité possible pour non-conformité dans le délai prescrit:² Le paragraphe 136(1) de la *Loi sur la gouvernance locale* prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 132 de ladite loi, commet une infraction qui est punissable en vertu de la Partie II de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Lorsqu'une infraction prévue au paragraphe 136(1) se poursuit pendant plus d'une journée, l'amende minimale qui peut être imposée est l'amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l'infraction se poursuit conformément à l'alinéa 136(3)(b)(i).

Pouvoir de la municipalité d'entreprendre les réparations ou de prendre les mesures:³

L'alinéa 137(1)(a) de la Loi sur la gouvernance locale stipule que si le propriétaire ou l'occupant ne se conforme pas dans le délai imparti à l'avis donné tel que le prévoit l'article 132, la municipalité peut faire nettoyer ou réparer les lieux en question. De plus, le paragraphe 137(3) de la Loi sur la gouvernance locale stipule que les coûts afférents à l'exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l'occupant et deviennent une créance du gouvernement local.

Fait à Saint John le 28 juin, 2018.

Municipalité : The City of Saint John

Signature de la représentante municipale :



Coordonnées de la représentante municipale :

Nom : Mark O'Leary

Adresse postale :

Département aux services d'inspection et des bâtiments

The City of Saint John
15 Market Square, Édifice de l'hôtel de ville,
10^e étage, Case postale 1971
Saint John (Nouveau-Brunswick)
E2L 4L1

Téléphone : 506-651-6864

Télécopieur : 506-632-6199

Courriel: mark.o'leary@saintjohn.ca

Sceau de la municipalité

Notes:

1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.
2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice to comply.
3. Costs become a debt due to the municipality and may be added to the joint municipal and provincial Real Property Assessment and Tax Notice.

Notes :

1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée, pendant l'exécution de la mesure de recours.
2. Le paiement de l'amende n'annule pas l'obligation de respecter l'arrêté, la norme ou l'avis de conformité.
3. Les coûts deviennent une dette envers la municipalité et peuvent être ajoutés à l'avis d'évaluation et d'impôt foncier municipal et provincial.

Inspection Report

Schedule "A"

Inspection Date : June 21, 2018
Inspector: Mark O'Leary
Property Address: 94-96 Woodhaven Drive, Saint John, NB
PID: 00370288

I hereby certify that this document is a true copy of the original.

Dated at Saint John

On 28 day of June

2018
Mark O'Leary
Standards Officer

At an inspection of the above property on June 21, 2018 violations of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law* were noted. The By-law adopts section 131 (1) of the *Local Governance Act*.

The *Local Governance Act* Section 131 (1) states "No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of such premises:

- (a) Any ashes, junk, rubbish or refuse,
- (b) An accumulation of wood shavings, paper, sawdust or other residue of production or construction, derelict vehicle, equipment or machinery or the body or any part of a vehicle, equipment or machinery, or
- (c) A dilapidated building."

At the property, the following violations of *Local Governance Act* Section 131 (1) were noted:

- (a) Ashes, junk, rubbish or refuse,
- (b) An accumulation of wood shavings, paper, sawdust or other residue of production or construction,
- (c) Part of a vehicle, equipment or machinery,

General Comments about the violations at the property:

There are several items on the subject property which are considered to be unsightly. There are piles of scrap wood, wire fencing, cedar logs, piles of paving stones, scrap flake board, plastic pails, cooking pots, plastic gas cans, plastic hose, plastic bins, old scrap plywood, old doors, scrap metal, scrap plastic pipe, plastic chairs, used household appliances, a plastic water jug, glass bottles, whipper snippers, metal pipe, rubber mats, a car jack, metal stands, metal shelves, a metal truck box, cardboard boxes, old tires, a metal barbeque grill cover, plastic pallets, car batteries, old tarps, traffic cones, metal clamps, an old rotted wooden box with an artificial Christmas tree tied to it, a refrigerator, a freezer, plastic garbage bags, clear plastic that looks to have been used as vapor barrier, old used light fixtures, a black utility trailer full of scrap wood, used Styrofoam, used plastic pipe and other old used building materials, pressboard furniture, metal wheel rims, used pool ladder, metal ladders, toilet seat, rusted paint cans, outdoor patio tables, rusted wheel barrows, rusted garden cart, broken wooden rocking chair, several coils of wire and plastic shelves, metal truck side steps and lawn mowers. The property is in an unsightly condition and is not in compliance with the by-law.

Required remedies:

All the items listed must be removed and properly disposed of at an appropriate landfill site.

Alternatively, should these items remain on the premise for storage, they must be stored in a garage or shed, sufficient in size so as to hold the items and provide full enclosure.

The unsightly conditions at the premise must be remedied and the property brought into compliance with the by-law.

Report Prepared and Signed by R. Mark O'Leary

28 June 18
Date

Reviewed and Concurred In By Christopher McKiel, P. Eng.

June 28, 2018
Date